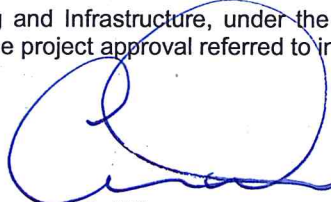


Notice of Modification

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure, under the delegation executed on 13 September 2011, I hereby modify the conditions of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson
Executive Director
Major Projects Assessment

Sydney

9 May

2012

SCHEDULE 1

Project Approval

The Tharbogang Quarry and Landfill Project (06_0334), which was approved on 8 July 2010

SCHEDULE 2

1. In the list of definitions delete:

DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
DI&I	Department of Industry and Investment
NOW	NSW Office of Water of DECCW
RTA	Roads and Traffic Authority

and insert in alphabetical order

BOA	Biodiversity Offset Area
Department	Department of Planning and Infrastructure
DPI	Department of Primary Industries
Director-General	Director General of the Department of Planning and Infrastructure or delegate
EPA	Environmental Protection Authority
MOD 1	Modification Application (06_0034 MOD 1) and supporting documentation titled <i>Tharbogang Landfill and Quarry, Revised Biodiversity Offset Strategy</i> , prepared by Ecological Australia for Griffith City Council and dated 1 December 2011
OEH	Office of Environment and Heritage
NOW	NSW Office of Water of the Department of Primary Industries
RMS	Roads and Maritime Services

2. Replace the references to DECCW in conditions 6, 7, 11, 18, 20, 29, 38, 40, 43, 50 with EPA
3. Replace the references to DECCW in the conditions 46 and 53 with OEH

4. Replace the reference to DECCW in the condition 50 with OEH and EPA
5. Replace all references to RTA with RMS
6. Replace Condition 2 in Schedule 3 with the following:

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - a) EA;
 - b) site layout plan (as shown in Appendix 1);
 - c) Statement of Commitments (see Appendix 2);
 - d) Modification Application (06_0034 MOD 1) with supporting documentation titled *Tharbogang Landfill and Quarry, Revised Biodiversity Offset Strategy*, prepared by Ecological Australia for Griffith City Council and dated 1 December 2011; and
 - e) conditions of this approval.
7. Replace Condition 45 in Schedule 3 with the following:
 45. The Proponent shall implement the Biodiversity Offset Area (BOA) on Lots 181 and 182, DP 756035 including 95.31 ha of 'Inland Grey Box – Poplar Box – White Cypress Pine Tall Woodland', as described by MOD 1 to the satisfaction of the Director-General and in consultation with the EPA, within one year of the approval of MOD 1.
8. Replace Condition 46 in Schedule 3 with the following:
 46. Within one year of the approval of MOD 1, unless the Director-General agrees otherwise, Council must provide appropriate long term security for the BOA defined in Condition 45 through one of the following mechanisms:
 - a) a Conservation Agreement under the *National Parks and Wildlife Act 1974*; or
 - b) a Biobanking Agreement under the *Threatened Species Conservation Act 1995*.
 The agreement must remain in force in perpetuity.
9. Replace Condition 47 in Schedule 3 with the following:
 47. The Proponent shall ensure the long term security of the BOA referred to in Conditions 45 and 46, prior to any clearing onsite.
10. Replace Condition 48 in Schedule 3 with the following:
 48. The Proponent shall prepare and implement a Landscape and Biodiversity Management Plan for the project in accordance with Condition 49 to the satisfaction of the Director-General. This plan must:
 - a) be prepared by suitably qualified person(s), approved by the Director-General;
 - b) be submitted to the Director-General for approval within 12 months of the date of MOD 1; and
 - c) include a:
 - i. Rehabilitation and Biodiversity Offset Strategy Management Plan; and
 - ii. Long Term Management Strategy.

Note: The Department accepts that the initial Landscape and Biodiversity Management Plan may not include the detailed Long Term Management Strategy. However, a conceptual strategy must be included in the initial plan, along with a timetable for augmentation of the strategy with each subsequent review of the plan.
11. Insert new Condition 49(a) in Schedule 3 following Condition 49:
 - 49(a) To ensure that the BOA is implemented in accordance with the performance and completion criteria in the Rehabilitation and Biodiversity Offset Strategy Management Plan, Council must secure implementation funds via one of the following mechanisms to the satisfaction of the Director-General:
 - a) a Biobanking Agreement under the *Threatened Species Conservation Act 1995*;
 - b) lodgement of a conservation bond with the Department;
 - c) a Voluntary Planning Agreement under Section 93F of the EP&A Act;

The sum of the funds shall be determined by:

 - i. calculating the full cost of implementing the Rehabilitation and Biodiversity Offset Strategy Management Plan, and
 - ii. employing a suitably qualified quantity surveyor to verify the calculated costs.

The funding must be secured within six months of the approval of the Rehabilitation and Biodiversity Offset Strategy Management Plan required by condition 48, unless otherwise agreed to by the Director-General.

12. Insert new Condition 49(b) in Schedule 3 following Condition 49(a):

49(b) The Department notes that if a Biobanking Agreement is implemented for the BOA defined by Condition 45, the requirements of Conditions 45, 46, 48 and 48 (a) are likely to be satisfied. The Department requests that on approval of any Biobanking Agreement, a copy of the agreement is submitted to the Department which includes management and monitoring plans and funding arrangements.